

### **REMARKS**

This Reply is being filed concurrent with a Request for Continued Examination (RCE) and in response to the final Official Action of March 6, 2007. Like the first Official Action, the final Official Action continues to reject all of the pending claims, namely Claims 1-20, under 35 U.S.C. § 103(a) as being unpatentable over the publication, Kyeong Jin Kim & Jiang Yue, *Joint Channel Estimation and Data Detection Algorithms for MIMO-OFDM Systems* (Nov. 2002) (hereinafter "*Kim*"), in view of U.S. Patent Application Publication No. 2004/0257978 to Shao et al.

Applicant notes that Kim currently qualifies as prior art against the claimed invention under 35 U.S.C. § 102(a), which requires a printed publication "by others." In response, Applicant submits concurrently herewith a declaration under 37 CFR § 1.132 establishing that *Kim* discloses subject matter derived from Applicant, notwithstanding the authorship of *Kim* as naming Applicant as well as Jiang Yue; and that to the extent that *Kim* describes any portion of the subject matter disclosed and claimed in the present application, that common subject matter was derived solely from Applicant. Applicant therefore respectfully submits that Kim is not in fact a printed publication "by others," and therefore does not qualify as prior art against the claimed invention. *See* MPEP § 716.10.

And as Shao individually does not teach or suggest the claimed invention, Applicant respectfully submits that the rejection of Claims 1-20 is overcome.

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### **CONCLUSION**

In view of the § 1.132 declaration and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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